

12-28-01

Page 1 of 3 A

J1064 U.S. PTO
12/20/01

Customer Number: 000959

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION SERIAL NUMBER: 09/227,595 | PRIOR APPLICATION FILING DATE: JANUARY 8, 1999 |
|---------------|---|-----------|--|---|
| RPN-001CN | CLASS: | SUBCLASS: | EXAMINER: L. HELMS | ART UNIT: 1642 |

COMMISSIONER FOR PATENTS
 BOX PATENT APPLICATION
 WASHINGTON, DC 20231

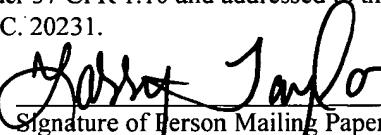
CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: December 20, 2001 Mailing Label Number: EL 833315914 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Larry Taylor

Name of Person Mailing Paper


 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a continuation divisional application under 37 CFR 1.53(b), of pending prior application serial no: 09/227,595 filed on January 8, 1999, entitled CTLA4-Cy4 Fusion Proteins (As Amended) which in turn is a divisional application of serial no. 08/595,590 filed on February 2, 1996 which was filed by the following named inventor(s):

| FULL NAME OF INVENTOR | RESIDENCE ADDRESS | CITIZENSHIP |
|-----------------------|--|-------------|
| Gary S. Gray | 32 Milton Road, Brookline, Massachusetts | USA |
| | <u>POST OFFICE ADDRESS</u> | |
| Jerry Carson | 2 Kent Street, Belmont, Massachusetts | USA |
| | <u>POST OFFICE ADDRESS</u> | |
| Kashi Javaherian | 27 Webster Street, Lexington, MA 02173 | USA |
| | <u>POST OFFICE ADDRESS</u> | |
| Cindy L. Jellis | 28 Hill Road, Tilton, New Hampshire | USA |
| | <u>POST OFFICE ADDRESS</u> | |

J1036 U.S. PTO
10/027075
12/20/01

| | | |
|------------------------------|---|--------------------|
| <u>FULL NAME OF INVENTOR</u> | <u>RESIDENCE ADDRESS</u> | <u>CITIZENSHIP</u> |
| Paul D. Rennert | 2 Sky View Terrace, Holliston, Massachusetts | USA |
| <u>POST OFFICE ADDRESS</u> | | |
| <u>FULL NAME OF INVENTOR</u> | <u>RESIDENCE ADDRESS</u> | <u>CITIZENSHIP</u> |
| Sandra Silver | 350 Marlborough Street, Boston, Massachusetts | USA |
| <u>POST OFFICE ADDRESS</u> | | |

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this Continued Prosecution Application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. This application discloses only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
 - the same, or
 - less than those named in the prior application. Please delete the following named inventors:
Cindy L. Jellis
2. Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
 - 62 page(s) of specification
 - 10 page(s) of claims
 - 1 page(s) of abstract
 - 8 sheet(s) of drawing
 - 36 pages copy of executed Declaration and Power of Attorney

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/227,595 as originally filed on January 8, 1999.
3. Applicant claims small entity status. See 37 CFR 1.2.
4. The filing fee is calculated below:

| | NUMBER OF CLAIMS FILED | | | NUMBER EXTRA |
|--|------------------------|-----------|----|--------------|
| TOTAL * | 14 | MINUS ** | 20 | = 0 |
| INDEP. * | 2 | MINUS *** | 3 | = 0 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS | | | | |

| SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|--------------|--------|---------------------------|----------|
| RATE | FEES | RATE | FEES |
| x 9 = | \$0.00 | x 18 = | \$0.00 |
| x 42 = | \$0.00 | x 84 = | \$0.00 |
| +140 = | \$0.00 | + 280 = | \$0.00 |
| BASIC FEE | \$0.00 | BASIC FEE | \$740.00 |
| TOTAL | \$0.00 | TOTAL | \$740.00 |

OR

5. The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
6. Please charge the amount of \$740.00 for payment of the filing fee to our Deposit Account No. 12-0080.
7. Cancel in this application original claims 1-55, 60, 64, 68 and 70-91 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
8. A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)

9. Amend the specification by inserting before the first line the sentence "This application is a continuation application of U.S. application serial no. 09/227,595 filed on January 8, 1999, pending, which in turn is a divisional application of U.S. application serial no. 08/595,590 filed on February 2, 1996, pending. The contents of all of the aforementioned application(s) are hereby incorporated by reference."

10. Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)

11. Transfer the drawings from the pending prior application to this application.

12. Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.

- The certified copy has been filed in prior application serial no. _____ filed on _____.
- The certified copy will follow.

13. A _____ month extension of time has been submitted in the parent application Serial No. 09/227,595 in order to establish copendency with the present application and a copy is enclosed.

14. Also enclosed is an Information Disclosure Statement and a copy of an Associate Power of Attorney to Megan E. Williams; and Declarations Under 37 CFR by G. Gray, J. Carson, K. Javaherian, P. Rennert, and S. Silver (55 pgs.).

15. The power of attorney in the prior application is to Lahive & Cockfield.

- a. The power appears in the original papers in the prior application.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. A new power has been executed and is attached.

16. Address all future communications (May only be completed by applicant, or attorney or agent of record) to Amy E. Mandragouras, Esq. at Customer Number: 000959 whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

17. Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

18. Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. _____. Please use the computer readable form of application serial no. _____ in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application, submitted with the Preliminary Amendment, and the computer readable form of application serial no. _____ are the same.

December 20, 2001
Date

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109



Megan E. Williams, Esq.
Reg. No. 143,270
 inventor(s) filed under §1.34(a)
 assignee of complete interest
 attorney or agent of record